

REMARKS

Claims 1-10 and 12-20 are pending in the present application. Claim 11 is canceled herein. Claim 1 has been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Claims 1, 3-9 and 11-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haumont (U.S. Publication No. 2003/0027554, hereinafter “Haumont”) in view of Alloune, et al. (U.S. Patent No. 6,615,034, hereinafter “Alloune”). Applicants respectfully disagree.

More specifically, and contrary to the office action, neither paragraph 17 nor 18 of Haumont even suggest, much less disclose, the step of forwarding the volume limit threshold data from the SGSN to the GGSN. The only disclosure whatsoever that could even reasonably be suggested as disclosing this step is at paragraph [0053]. However, this paragraph certainly does not teach that the billable volume limit threshold data is transmitted to the GGSN as required by the claims.

Further, the purpose of the Haumont system as suggested by the title and the abstract of the patent, and as explained in detail in the specification, is to determine which free services are available and to connect such free services when prepaid service limits have been reached. There are no teachings at all in the Haumont reference as to what components in the Haumont system determine if and when the prepaid service limits are reached. Consequently, there clearly is no teaching in Haumont whatsoever disclosing the steps of accumulating a billable data count *only at the GGSN* and then transmitting the accumulated billing data count to the SGSN when the count reaches the volume limit threshold of the billable data. Further, according to the present invention, the SGSN accumulates the total data count including both billable and free data.

The Examiner acknowledges that Haumont does not specifically teach accumulating a billable data count, but alleges Alloune teaches accumulating a billable data count “relating to a profile of a prepaid subscriber.” However, Alloune is a very generalized system for combined billing of a wireline service and a wireless system. There is no actual teaching of where or how a billing data count is accumulating and certainly no teaching of only accumulating such a billing data count at a GGNS as is now required by claim 1 and then transmitting the accumulated count to the SGSN. Therefore, even if it is assumed Alloune does teach “accumulating a billing data count relating to a profile of a prepaid subscriber,” Alloune certainly teaches nothing to overcome the shortcomings of Haumont concerning specific claim requirements as discussed above.

In summary, neither Haumont nor Alloune even suggest the unique steps (much less the sequence of steps) as required by claim 1 of the present invention for providing content-based billing where the GGSN accumulates the count of billable data and then, transmits a notice to the SGSN when the billable limit has been reached. Further, the last four elements of claim 13 are substantially identical to the last four elements of claim 1 and the arguments with respect to these elements in claim 1 are equally applicable to the similar elements of claim 13.

Therefore, it is submitted that independent claim 1 and dependent claims 3-9 and 12-17 are patentably distinct from the Haumont and Alloune references whether these references are considered singly or in combination and are allowable. In addition, the dependent claims are allowable for depending from a claim deemed allowable, as well as for their own limitations.

Claims 2, 10 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haumont in view of Alloune and in further view of Official Notice or Hasan, et al (U.S. Patent No. 6,707,813, hereinafter “Hasan”). However, Hasan discloses no information that

overcomes the shortcomings of the Haumont and Alloune references as discussed above with respect to claims 1 and 13 and, therefore, these claims are also allowable for depending from a claim deemed allowable as well as for their own limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone James C. Kesterson, Applicants' attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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